

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 ) Case No. 1:13-cr-49-CLC-SKL  
v. )  
 )  
MICHAEL TARPLEY )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count Two of the eight-count Superseding Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count Two of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter (Court File No. 134). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 134) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Two of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a

Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a), is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a);

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and

(5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter, which is scheduled to take place on **June 11, 2015** at **9:00 a.m.** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**